

4826. Adulteration and misbranding of Jack Johnson Made Wine. U. S. v. Elias Goldstein and Aaron Goldstein, copartners (The Two Brothers Wine & Liquor Co.). Plea of guilty. Fine, \$25. (F. & D. No. 5716. I. S. Nos. 2941-h, 2942-h, 2956-h.)

On December 29, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Elias Goldstein and Aaron Goldstein, copartners, trading as The Two Brothers Wine & Liquor Co., East Newark, N. J., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about September 16, 1913, October 1, 1913, and October 13, 1913, from the State of New Jersey into the State of Louisiana, of quantities of an article labeled "Jack Johnson Made Wine. Preserved with one-tenth of one per cent benzoate of soda," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Shipped Sept. 13, 1913.	Shipped Oct. 1, 1913.	Shipped Oct. 13, 1913.
Specific gravity at 20°/15.6° C.....	1.025	1.029	
Alcohol (per cent by volume).....	8.9	7.7	8.3
Solids (grams per 100 cc)	9.51	10.13	10.88
Polarization:			
Direct, at 28° C., 22° C.....	+ 8.0	-4.2 (at 22°)	-8.3
Invert, at 22° C. (°V.).....	+ 8.0	-4.4 (at 22°)	-8.4
Invert, at 87° C. (°V.).....	+12.0	+2.0	+1.0
Ash (grams per 100 cc)	0.47	0.38	0.38
Alkalinity total ash (cc N/10 acid per 100 cc) .	36.8	26.4	32.8
Acid, as acetic (grams per 100 cc)	0.68	0.85	0.78
Volatile acid, as acetic (grams per 100 cc).	0.33	0.51	0.48
Nonvolatile acid, as tartaric (grams per 100 cc)	0.37	0.34	
Color:	Coal tar resembles Orchil.	Resembles Orchil.	Resembles Orchil with caramel.
Tartaric acid (grams per 100 cc)	0.336	0.33	0.31
Glycerol (grams per 100 cc)			0.30
Fixed acid (grams per 100 cc)			0.33

These results, with the taste and odor, indicate that a fermented solution of sugar colored in imitation of wine has been substituted in whole or in part for the article. Commercial glucose has been used in this product in part as a substitution for the natural fruit sugar.

Adulteration of the wine in each of the shipments was alleged in the information for the reason that an imitation wine had been mixed and packed with the article, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for wine, which the article purported to be. Adulteration was alleged for the further reason that the article was colored in a manner whereby its inferiority was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "wine," borne on the label attached to the barrels containing the article, was false and misleading in that it purported and represented the article to be wine, and, further, in that the article was labeled "wine" so as to deceive and mislead the purchaser into the belief that it was wine, whereas in truth and in fact, it was not wine, but was an imitation wine artificially colored. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, wine, whereas, in truth and in fact, it was not wine, but was an imitation wine, artificially colored.

On March 27, 1916, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$25.

CARL VROOMAN,
Acting Secretary of Agriculture.